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MITIGATED NEGATIVE DECLARATION

Project Name: Dien Do Minor Subdivision

Project Number(s): TPM 20976, ER# 05-02-033

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for
Archaeology, Biology, Drainage, Fire Protection, Grading, and Stormwater
Management

1. California Environmental Quality Act Mitigated Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

1. Transportation

- a. The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.

2. CULTURAL RESOURCE REQUIREMENTS [DPLU]

Grant to the County of San Diego a Conservation Easement over the historic house labeled "Existing house to remain" on the Tentative Parcel Map (see TPM 20976RPL dated March 24, 2009). This easement is for the protection and conservation of the house and prohibits demolition or alteration to the exterior of any buildings and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; alteration of the historic landscape (vegetation, fences, trellis, etc.); construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or any other not consistent with the historic character of the property.

The sole exceptions to this prohibition are:

- Repairs, restoration, or rehabilitation of the historic house in accordance with the "*Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* or the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer 1995)*". Any plan for such activities shall be designed by a qualified historical architect and approved by the Director of Planning and Land Use, and implemented by a building contractor with demonstrated experience in the renovation and rehabilitation of historic buildings.
- Normal landscape maintenance activities, including the removal of dead or dying trees.

3. BIOLOGICAL MITIGATION [DPLU]

- a. Grant to the County of San Diego by separate document, an **open space easement** as shown on the Tentative Parcel Map dated March 24, 2009 on file with the Department of Planning and Land Use as TPM 20976RPL and Environmental Review Number 05-02-033. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. **[DPLU, FEE]**

The sole exception(s) to this prohibition is:

1. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the Uniform Fire Code and the Memorandum of Understanding dated February 26, 1997, between the wildlife agencies and the fire districts and any subsequent amendments thereto. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Land Use or the Director of Public Works.
 2. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.
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- b. Grant to the County of San Diego a **Limited Building Zone Easement** as shown on the Tentative Parcel Map dated **March 24, 2009** on file with the Department of Planning and Land Use as TPM 20976RPL and Environmental Review Number 05-02-033. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological

open space easement and prohibits the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are: **[DPLU, FEE]**

1. Decking, fences, and similar facilities.
 2. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.
- c. Provide evidence to the satisfaction of the Director of Planning and Land Use that 0.81 acres of coast live oak woodland habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located in the Northern Foothills Ecoregion. Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X2]**
1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.81 acres of coast live oak woodland habitat located in the Northern Foothills ecoregion. A Resource Management Plan (RMP) for the coast live oak woodland habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to

the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

- d. Provide evidence to the satisfaction of the Director of Planning and Land that 1.36 acres of coastal sage scrub habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located in the Northern Foothills Ecoregion. Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X2]**
1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 1.36 acres of coastal sage scrub habitat located in the Northern Foothills ecoregion. A Resource Management Plan (RMP) for the coastal sage scrub habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary

mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

- e. Provide evidence to the satisfaction of the Director of Planning and Land that 0.54 acres of southern mixed chaparral habitat credit has been secured in a mitigation bank approved by the California Department of Fish & Game, located in the Northern Foothills Ecoregion. Evidence of purchase shall include the following information to be provided by the mitigation bank: **[DPLU, FEE X2]**
 - 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 - 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 - 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 - 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.

-OR-

Provide for the conservation and habitat management of a minimum of 0.54 acres of southern mixed chaparral habitat located in the Northern Foothills ecoregion. A Resource Management Plan (RMP) for the southern mixed chaparral habitat must be submitted and approved by the Director of the Department of Planning and Land Use. The plan shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Requirement Guidelines. An open space easement over the acquired habitat must be dedicated to the County of San Diego prior to or immediately following the approval of the RMP. Alternatively, proof that a federal, state or local government agency with the primary mission of resource management has taken fee title to the land will be accepted in lieu of an easement.

- f. Provide evidence to the satisfaction of the Director of Planning and Land Use that the open space signs have been placed along the

biological open space boundary of lots(s) 1, 2, 3, and 4 as shown on these plans and the Open Space Fencing and Signage Exhibit dated **December 3, 2008**, on file with the Department of Planning and Land Use as Review Number 05-02-033. **[DPLU, FEE]**

1. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
2. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

"SENSITIVE ENVIRONMENTAL RESOURCES"

Disturbance Beyond this Point is Restricted
by Easement

Information:

Contact County of San Diego, Department of Planning and Land Use
Ref: 05-02-033"

- g. Provide evidence to the satisfaction of the Director of Public Works (DPW) and or the Director of Planning and Land Use that the following items have been placed on the grading, and or improvement plans, and or Building Plans:
 1. Permanent fences or walls shall be shown along the open space boundary of lots(s) 1, 2, 3, and 4 as shown on the Open Space Fencing and Signage Exhibit dated **December 3, 2008**, on file with the Department of Planning and Land Use as Review Number 05-02-033.
 2. The fence or wall shall be a minimum of four feet (4') high and consist of split rail. Any change in construction materials and fence or wall design shall be approved by the Department of Planning and Land Use prior to installation.
- h. Open Space Signs shall be shown along the open space boundary of lots(s) 1, 2, 3, and 4 as shown on the Open Space Fencing and Signage Exhibit dated **December 3, 2008**, on file with the Department of Planning and Land Use as Review Number 05-02-033.

The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

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- i. Provide evidence to the satisfaction of the Director of Planning and Land Use (DPLU) that the following "Specific Environmental Notes" have been placed on the grading, and or improvement plans, and or Building Plans:
 1. "Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. Temporary fencing is also required in all locations of the project where proposed grading or clearing is within 100 feet of an open space easement boundary. The temporary fencing shall be removed after the conclusion of such activity." **[DPLU, FEE]**
 2. "Restrict all brushing, clearing and/or grading such that none will be allowed during the avian breeding season. This is defined as occurring between January 15 and August 31. The Director of Planning and Land Use may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Game, that no nesting or breeding birds are present in the vicinity of the brushing, clearing or grading." **[DPLU, FEE]**
- j. "Prior to the conclusion of grading activities and Final Grading Release, provide evidence to the satisfaction of the Director of Planning and Land Use that the permanent fences or walls, and open space signs have been placed along the biological open space boundary of lots(s) 1, 2, 3, and 4 as shown on these plans and the Open Space Fencing and Signage Exhibit dated **December 3, 2008**, on file with the Department of Planning and Land Use as Review Number 05-02-033.

1. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
2. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:
"SENSITIVE ENVIRONMENTAL RESOURCES"

Disturbance Beyond this Point is Restricted
by Easement

Information:

Contact County of San Diego, Department of Planning and Land Use
Ref: 05-02-033"

4. HAZARDOUS MATERIALS AND EXISTING CONTAMINATION

Prior to recordation of parcel map and prior to approval of any grading or improvement plans; provide to the satisfaction of the Director of Planning and Land Use, a signed, stamped Phase I and Limited Phase II Environmental Site Assessment (ESA) prepared by a Registered Engineer or Professional Geologist. The Phase II ESA shall include the following:

- a. The limited Phase II shall include shallow soil sampling from six inches to 3 feet in depth, to occur in areas of the site where future exposure is likely to occur (such as around proposed house pads), and in the areas of the site with the highest likelihood for contamination, such as around chemical/ pesticide/ fuel storage areas and among agricultural crops.
- b. The ESA should identify whether onsite soils exceed regulatory screening levels for pesticides, petroleum, or heavy metals.
- a. If contamination is found, the applicant shall remediate all onsite hazardous conditions under the oversight of the DEH Voluntary Assistance Program (VAP). If soil remediation is required, a letter from the DEH VAP, or other applicable oversight agency, must be provided to the DPLU indicating that site contamination has been adequately remediated in accordance with applicable regulatory requirements.

5. STEEP SLOPE OPEN SPACE EASEMENT

Prior to issuance of grading or construction permits or on the Final Map (or Parcel Map), whichever comes first, the applicant shall:

- a. Grant to the County of San Diego an open space easement over portions of parcel 2 and the remainder parcel as shown on TPM 20976RPL dated March 24, 2009. This easement is for the protection of steep slope lands and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space.

The sole exceptions to this prohibition are as follows:

1. Clearing of vegetation to protect existing or proposed structures that are in potential danger from fire, provided that the area of such clearance is the minimum necessary to comply with applicable fire codes or written orders of fire safety officials and that such slopes retain their native root stock or are replanted with native vegetation having a low fuel content, and provided further that the natural landform is not reconfigured.
2. Establishment or expansion of an agricultural operation, provided that the establishment or expansion of the operation must be completed in accordance with all applicable federal, state and local regulations (e.g., Clearing and Grading permit from the County of San Diego). The following shall be considered an agricultural operation for purposes of this exception: an operation that includes the cultivation, growing, and harvesting of animals, nursery products and flower crops; fruit and nut crops; livestock and poultry products; vegetable crops; livestock and poultry (including their associated enclosures); field crops; apiary products; timber and firewood; and nonbearing fruit and nut crops.

6. FACILITY/UTILITY IMPROVEMENTS [DPW] [DPLU]

- a. Three fire hydrants, together with an adequate water supply, shall be installed in accordance with the specifications of the North County Fire Protection District and San Diego County standards along Ranger Road, at the intersection with the access road and at approximately 1500 foot intervals where the waterline touches Ranger Road. On paved roads, a

“blue dot” marker shall be installed in the pavement to indicate the location of the fire hydrant.

Design of water supply, type, and location of fire hydrant must be submitted to the North County Fire Protection District for approval prior to the issuance of a building permit for any parcel created by this subdivision. [DPLU]

- b. Three fire hydrants, together with an adequate water supply, shall be installed on-site in accordance with the specifications of the North County Fire Protection District and San Diego County standards prior to the radius of the cul-de-sac and approximately every 500 feet along the access road. On paved roads, a “blue dot” marker shall be installed in the pavement to indicate the location of the fire hydrant.

Design of water supply, type, and location of fire hydrant must be submitted to the North County Fire Protection District for approval prior to the issuance of a building permit for any parcel created by this subdivision.

7. CULTURAL RESOURCE REQUIREMENTS [DPLU]

- a. Prior to approval of grading and/or improvement plans, the applicant shall prepare and implement a temporary fencing plan for the protection of archaeological site P-37-027724 (historic residence) during any grading activities within one hundred feet (100') of archaeological site P-37-027724. The temporary fencing plan shall be prepared in consultation with a County approved archaeologist. The fenced area shall include a buffer sufficient to protect the archaeological site(s). The fence shall be installed under the supervision of the County approved archaeologist prior to commencement of grading or brushing and be removed only after grading operations have been completed. The temporary fencing plan shall include the following requirements:

Provide evidence to the Director of Public Works that the following notes have been placed on the Grading Plan:

- (1) In the event that construction activities are to take place within 100 feet of archaeological site P-37-027724, the temporary fencing plan shall be implemented under the supervision of a County approved archaeologist that consists of the following:
 - (a) The project archaeologist shall identify the site boundaries.

- (b) The project archaeologist shall determine an adequate buffer for the protection of the site(s) in consultation with the County archaeologist.
- (c) Upon approval of buffers, install fencing under the supervision of the project archaeologist.
- (d) Submit to the Department of Public Works for approval, a signed and stamped statement from a California Registered Engineer, or licensed surveyor that temporary fences have been installed in all locations of the project where proposed grading or clearing is within 100 feet of the archaeological site(s), P-37-027724.
- (e) Fencing may be removed after the conclusion of construction activities.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

- A. THE FOLLOWING CONDITIONS SHALL BE COMPLIED WITH BEFORE A PARCEL MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY RECORDER OF SAN DIEGO COUNTY:
 - 1. THE PARCEL MAP SHALL SHOW AN ACCURATE AND DETAILED VICINITY MAP.
 - 2. ACCESS
 - a. The subdivider shall furnish to the County of San Diego, Department of Public Works, and recorded documentation showing that the land division is connected to a publicly maintained road by an easement for road purposes. This easement shall be forty feet (40') wide as specified in Section 81.703(a) and/or (b), unless proof is furnished that a lesser width is applicable under Section 81.703(l) and/or (m) of the County Code, and shall be for the benefit and use of the property being divided. Recordation data for said easement shall be shown on the Parcel Map. This requirement applies to offsite access to all proposed parcels.

3. SIGHT DISTANCE

- a. Have a registered civil engineer, a registered traffic engineer, or a licensed surveyor provide a signed statement that: "Physically, there is a minimum adequate unobstructed sight distance in both directions along Ranger Road from the private easement road serving the project, for the prevailing operating speed of traffic on Ranger Road, per Section 6.1.E of the County Public Road Standards. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that said lines of sight fall within the existing right-of-way and a clear space easement is not required. These certifications shall be to the satisfaction of the Director of Public Works.

4. PRIVATE ROAD EASEMENTS

- a. The Parcel Map shall show a thirty-eight foot (38') minimum radius cul-de-sac with its center located at the intersection point of the property lines of Parcels 1, 3 and 4 to the satisfaction of the North County Fire Protection District and the Department of Public Works.
- b. The Parcel Map shall show a minimum forty-foot (40') wide on and off-site private easement road from the proposed cul-de-sac northerly to Ranger Road.

5. SPECIAL DISTRICTS/ROAD MAINTENANCE/COVENANTS/DEVELOPMENT IMPACT FEES

- a. The subdivider shall authorize Special Districts to process the project into the San Diego County Street Lighting District. After recordation of the Parcel Map, the land division shall be transferred, without notice or hearing, to Zone "A" of the San Diego County Street Lighting District. The subdivider shall cover the cost of processing by paying a minimum deposit at the Land Development Counter Services.
- b. The subdivider shall provide for maintenance of the onsite and offsite private road that serves the project through a private road maintenance agreement.

6. FACILITY/UTILITY ARRANGEMENTS

- a. Where private easement roads are not being dedicated, or where each of the proposed parcels is not on a public street, the subdivider shall provide the County of San Diego, Director of Public Works, with letters from serving utility companies stating that arrangements satisfactory to the utility have been made to serve all parcels being created. No letter will be required from AT&T/SBC.
- b. The subdivider shall comply with Section 66436 of the Government Code by furnishing to the County of San Diego, Department of Public Works, a certification from each public utility and each public entity owning easements within the proposed land division stating that: (a) they have received from the subdivider a copy of the proposed Parcel Map; (b) they object or do not object to the filing of the Map without their signature.
- c. Prior to recordation of the Parcel Map, approval of improvement and/or grading plans, issuance of excavation permits, and issuance of any further grant of approval, the owners of this project will be required to sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy and that they have contacted all adjacent property owners and solicited their participation in the extension of utilities.
- d. Certification by the Department of Environmental Health with respect to sewage disposal shall be shown on the Parcel Map.
[DPLU]

7. FLOODING/DRAINAGE

- a. The drainage swale which flows through the property shall be shown and labeled "Drainage Swale" on the Parcel Map.
- b. Lines of inundation to the limits of the 100-year flood along the watercourse, which flows through the property, shall be shown and labeled "Subject To Inundation By The 100-Year Flood" on the Parcel Map.
 - (1) The subdivider's civil engineer will provide the necessary hydrology and hydraulics to define the 100-year floodplain limits and annotate the limits on a copy of the Tentative Parcel Map, approved by the County of San Diego, Director of Planning and Land Use. Each parcel shall have a flood-free building site to the satisfaction of the County of San

Diego, Director of Public Works. If any of the parcels are found to be devoid of a buildable, flood-free site for a residence, the subdivider shall take appropriate action so that each parcel does have a buildable flood-free site. This pertains to watersheds having area of twenty-five (25) or more acres.

- c. A report on the stability of the onsite dam is to be prepared by a Registered Civil Engineer specializing in soils engineering, and submitted to the Department of Public Works for approval. The report is to include, but not to be limited to, general stability, data on spillway capability, and recommendations for necessary improvements for the safety of the downstream property. A spillway conforming with the San Diego County Flood Control District's "Design and Procedure Manual" and any other necessary improvements shall be constructed prior to recordation of the Parcel Map.
 - 8. Prior to approval and recordation of a Parcel Map, the subdivider shall provide evidence that all existing structures shown on the Tentative Parcel Map "to be removed or relocated on the site" have been removed/relocated to the satisfaction of the Director of Public Works.
- B. THE FOLLOWING IMPROVEMENTS MAY BE COMPLETED PRIOR TO RECORDING OF A PARCEL MAP OR THEY MUST BE LISTED ON THE PARCEL MAP AND THE SUBDIVIDER SHALL EXECUTE A "COVENANT OF IMPROVEMENT REQUIREMENTS" WHICH SHALL LIST THE CONDITIONS THAT REMAIN TO BE COMPLETED. THE COVENANT SHALL BE RECORDED BY THE DEPARTMENT OF PUBLIC WORKS PRIOR TO RECORDING THE PARCEL MAP. THE COVENANT SHALL BE NOTED ON THE PARCEL MAP.

(IMPROVEMENT PLANS AND COST ESTIMATES ARE NOT DEFERRABLE)
THE COVENANT OF IMPROVEMENT REQUIREMENTS SHALL NOTE THE ESTIMATE OF COST TO INSTALL AND/OR CONSTRUCT ANY DEFERRED IMPROVEMENTS. THE ESTIMATE OF COST SHALL BE BASED UPON IMPROVEMENT PLANS. THE PLANS SHALL INCLUDE A SIGNED STATEMENT BY THE PRIVATE ENGINEER-OF-WORK STATING THAT THE PLANS ARE SUFFICIENT FOR THE PURPOSE OF PROVIDING THE REQUIRED ESTIMATE OF THE COST FOR THE PRIVATE EASEMENT ROADS AND PRIVATE FACILITIES. THE ESTIMATE SHALL HAVE THE ENGINEER'S SIGNATURE AND STAMP ON THE FRONT PAGE ALONG WITH A STATEMENT THAT IT IS THE ENGINEER'S ESTIMATE OF THE APPROXIMATE COST AS OF THE DATE THE ESTIMATE WAS PREPARED

FOR THE PRIVATE ROAD AND FACILITIES REQUIRED BY THE FINAL NOTICE OF APPROVAL AND THE SAN DIEGO COUNTY STANDARDS FOR PRIVATE STREETS. SAID COVENANT SHALL BE TITLED "COVENANT OF IMPROVEMENT REQUIREMENT, A BUILDING PERMIT PROHIBITION". IF THE COVENANT HAS BEEN RECORDED, NO BUILDING PERMIT, AND NO FURTHER GRANT OF APPROVAL FOR DEVELOPMENT MAY BE ISSUED UNTIL THE SUBDIVIDER PRESENTS A COPY OF THE RELEASE OF IMPROVEMENT REQUIREMENTS RECORDED BY THE DEPARTMENT OF PUBLIC WORKS, STATING THAT ALL OF THE REQUIRED IMPROVEMENTS LISTED IN THE COVENANT OF IMPROVEMENT REQUIREMENTS AND NOTED ON THE PARCEL MAP HAVE BEEN COMPLIED WITH, EXCEPT A GRADING OR CONSTRUCTION PERMIT AND/OR A PERMIT TO INSTALL UTILITIES WITHIN THE PRIVATE EASEMENT, MAY BE ISSUED. (NOTE: FOR WATER STORAGE FACILITIES AND/OR FUELBREAKS, A RELEASE OF IMPROVEMENT REQUIREMENTS IS ONLY REQUIRED TO STATE THAT THE IMPROVEMENTS HAVE BEEN COMPLIED WITH FOR THE PARTICULAR PARCEL FOR WHICH A BUILDING PERMIT IS BEING REQUESTED.) [DPW] [DPLU]

1. PRIVATE ROAD IMPROVEMENTS

- a. In the event these improvements are deferred, the subdivider shall execute such documents as deemed necessary by the County of San Diego, Director of Public Works, indemnifying the County from liability arising from the improvement of any off-site easement. This indemnification shall also be noted on the Parcel Map.
- b. The cul-de-sac shall be graded to a radius of thirty-eight feet (38') and improved with asphalt concrete to a radius of thirty-six feet (36'), to the satisfaction of the North County Fire Protection District and the County of San Diego, Department of Public Works.
- c. The to-be-named on and off-site private easement road, from the proposed cul-de-sac northerly to Ranger Road, shall be graded twenty-eight feet (28') wide and improved twenty-four feet (24') wide with asphalt concrete. The Improvement and Design Standards of Section 3.1(C) of the County Standards for Private Streets for one hundred (100) or less trips shall apply, to the satisfaction of the North County Fire Protection District and the Department of Public Works.
- d. Plans and a processing deposit for the private road improvements, as determined by the County of San Diego, Department of Public Works, shall be submitted to the Improvements and Grading

Counter of the County of San Diego, Department of Public Works.
All improvement plans shall be designed in accordance with County Standards for Private Streets.

- e. Prior to construction of private road improvements, the subdivider shall notify the County of San Diego, Department of Public Works, submit copies of the blueline plans, and post an inspection deposit.
- f. A street name sign, with a County approved street name, shall be installed and located at the intersection of Ranger Road and the to-be-named private easement road per San Diego County Design Standards DS-13.
- g. A registered civil engineer or a licensed land surveyor shall provide a signed statement that: "The to-be-named private easement road, including all slopes and the cul-de-sac, from Parcel 4 northerly to Ranger Road, is constructed entirely within the easement, including drainage structures, for the benefit of the land division." NOTE: If the slopes for the improvement fall outside of the easement, mitigating structures shall be utilized so the improvement is within the easement or slope rights/a letter of permission shall be obtained/granted and the engineer or surveyor shall further certify that: "Slope rights/a letter of permission has been obtained/granted for work outside of the easement limits."
- h. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing. The above shall be done to the satisfaction of the Director of Public Works.
- i. The structural section for the private road shall be approved by the County of San Diego, Department of Public Works Materials Laboratory, prior to construction per Section 3.11 of the San Diego County Standards for Private Streets.
- j. A permit shall be obtained from the County of San Diego, Department of Public Works for the improvements to be made within the public right-of-way. The connection of the private easement road to the County road will have to match the construction of the public road. A copy of the permit, proof of payment, and evidence that all the requirements of the permit have

been met, shall be submitted to the Land Development Counter Services of the County of San Diego, Department of Public Works.

C. OTHER REQUIREMENTS [DPW] [DPLU]

1. The following note shall appear on the Parcel Map:

All parcels within this subdivision have a minimum of 100 square feet of solar access for each future dwelling unit allowed by this subdivision as required by Section 81.401(m) of the Subdivision Ordinance.
2. At the time of recordation of the Parcel Map, the name of the person authorizing the map and whose name appears on the SURVEYOR'S CERTIFICATE as the person who requested the map, shall be the name of the owner of the subject property.
3. Prior to the approval of the Parcel Map by the Department of Public Works, the subdivider shall provide the Department of Public Works with a copy of the deed by which the subject property was acquired and a Parcel Map report from a qualified title insurance company.
4. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (**Ordinance No. 9589**) and all other applicable ordinances and standards. This includes requirements for Low Impact Development (LID), materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.
5. Zoning regulations require that each parcel shall contain a minimum net area of 2 acres. If, as a result of survey calculations, required easements, or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the zoning minimum, it becomes the responsibility of the subdivider to meet zoning requirements by lot redesign, or other applicable technique. The subdivider shall comply with the zoning area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.

6. The subject property is in the (17) Estate Residential Designation of the Fallbrook Community Plan. Parcels 1, 3, 4, and the Remainder Parcel, with slopes less than 25%, shall contain a minimum gross area of 2 acres. Parcel 2, with a slope over 25%, shall contain a minimum gross area of 4 acres. If, as a result of survey calculations or for any other reason, the area of any parcel shown on this Tentative Parcel Map is determined by the Department of Public Works to be below the required minimum, it becomes the responsibility of the subdivider to meet area requirements by lot redesign. The subdivider shall comply with the area requirements in full before the Department of Public Works may file a Parcel Map with the County Recorder.

7. The public and private easement roads serving this project shall be named.

Prior to preparation of the Parcel Map, the responsible party shall contact the Street Address Section of the Department of Planning and Land Use (858-694-3797) to discuss the road naming requirements for the development. Naming of the roads is necessary for the health and safety of present and future residents.

8. The following note shall appear on the Parcel Map:

This subdivision includes a designated remainder parcel, which is not being created for purposes of sale, lease or financing. Prior to sale, lease or financing of the designated remainder parcel, a Certificate of Compliance or Conditional Certificate of Compliance must be obtained from the Department of Planning and Land Use and must be recorded. Additional improvements, exactions or other requirements may be imposed as a condition of approval of such a Conditional Certificate of Compliance."

9. The Basis of Bearings for the Parcel Map shall be in terms of the California Coordinate System Zone 6 NORTH AMERICAN DATUM OF 1983 by use of existing Horizontal Control. To be in compliance with the Public Resources Code, all Parcel Map surveys performed after January 1, 2000 must use a Basis of Bearings established from existing Horizontal Control Stations with first order accuracy.
10. Prior to January 1, 2000, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California coordinate values of Third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie

lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of Ground-to-Grid distances shall be shown on the map, all to the satisfaction of the County of San Diego, Director of Public Works (Refer to San Diego County Subdivision Ordinance Section 81.811 and 81.506(j)).

After December 31, 1999, a survey for any Parcel Map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineers's certificate as shown on the final map.

11. Comply with all applicable stormwater regulations at all times. The activities proposed under this application are subject to enforcement under permits from the San Diego Regional Water Quality Control Board (RWQCB) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control Ordinance (Ordinance No. 9926) and all other applicable ordinances and standards. This includes requirements for Low Impact Development materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas greater than 1 acre require that the property owner keep additional and updated information onsite concerning stormwater runoff. This requirement shall be to the satisfaction of the Director of Public Works.
12. Low Impact Development (LID) requirements apply to all priority development projects as of January 24, 2008. These requirements are found on page 19 (Section D.1.d. (4) a & b) of the Municipal Storm water Permit:

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_permit/r9_2007_0001/2007_0001final.pdf

The draft LID Handbook is a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. You can access the Handbook at the following DPLU web address: <http://www.sdcounty.ca.gov/dplu/docs/LID-Handbook.pdf>. The handbook gives an overview of LID. Section 2.2 reviews County DPW planning strategies as they relate to requirements from the Municipal Permit. The Fact Sheets in the Appendix may be useful for information on all of the engineered techniques. Additional information can be found in the extensive Literature Index. For more information contact Stephanie Gaines, DPW, Watershed Planning Division at 858-694-3493 [Stephanie.Gaines@sdcounty.ca.gov].

13. All plans shall be in conformance with the following:

- Sections 811.201 through 811.602 of Ordinance No. 8334 pertaining to Flood Hazards
- Sections 88.100 through 88.500 of Ordinance No. 3172 (amendments by Ordinances No. 5147, 5150, 5406, 5521, 5827, 6051, 7141, 7801, 7986) pertaining to Drainage and Watercourses
- Sections 87.101 through 87.717 of Ordinance 2925 (amendments by Ordinances No. 3281, through 8691) pertaining to Excavation and Grading

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

Director of Planning and Land Use

on _____

Rosemary Rowan, Planning Manager
Project Planning Division

RR:BE:be